

REMARKS

In the Office Action under reply, claims 1-21 were provisionally rejected on the ground of obviousness-type double patenting in view of claims 1-3 and 10-12 of copending application 10/673,712, claim 9 of copending application 10/673,713 and claims 1-21 of copending application 10/673,735. To overcome this double-patenting rejection, Applicants file herewith their provisional terminal disclaimer which will be effective in the event the aforementioned copending applications issue into patents.

Claims 1 and 17, together with claims dependent thereon, were rejected under 35 USC 112, second paragraph, as being indefinite because the Examiner contends it is not clear why and how “recovering a clock signal from said stored data signal.” By this amendment, claims 1 and 17 are amended to point out how the clock signal is recovered from the stored data signal. The reason the clock signal is recovered from the stored data signal is found in Applicants’ specification, for example, at page 2, first paragraph, the paragraph bridging pages 2 and 3 and page 4, fourth paragraph. Accordingly, the rejection of the claims based upon 35 USC 112 should be withdrawn.

Claims 1 and 17-20 were rejected under 35 USC 102(e) as allegedly being anticipated by Tan (U.S. Patent 6,812,688). Applicants believe that claims 1 and 17, the only independent claims in this application, are patentably distinct over Tan and no amendments to these claims are needed to overcome this rejection. However, to expedite the prosecution of the present application to its successful conclusion, claims 1 and 17 are amended to recite the hysteresis feature of, for example, claim 5. Consistent with this amendment, claims 2 and 5 are canceled.

Applicants nevertheless reserve the right to contest at a later time the rejection of claims 1 and 17 in view of Tan. The amendment to claims 1 and 17 is not an acquiescence in

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this rejection; and Applicants do not concede that Tan anticipates or renders obvious the subject matter of claims 1 and 17 as filed.

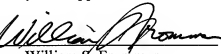
Furthermore, it is Applicants' contention that Tan is not a prior art reference to be applied in the manner proposed by the Examiner because those portions of Tan upon which the Examiner relies are not disclosed in Provisional Application 60/340,766 having the filing date of December 12, 2001. That is, the Tan patent is entitled to a filing date no earlier than December 10, 2002, which is later than the effective filing date to which the above-identified application is entitled.

It is believed claims 1, 3-4 and 6-20 are in condition for allowance. It is further submitted that this application is in condition for allowance; and early notice to that effect is respectfully requested.

Please charge any fees occasioned by this paper and credit any overpayments to our Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
William S. Frommer
Reg. No. 25,506
(212) 588-0800